

**PAUL BATISTA, P.C.  
Attorney-at-Law  
26 Broadway – Suite 1900  
New York, New York 10004  
(212) 980-0070**

**e-mail: Batista007@aol.com**

**Facsimile: (212) 344-7677**

August 16, 2015

VIA ECF AND FAX (718) 613-2446

Hon. I. Leo Glasser  
Senior United States District Judge  
for the Eastern District of New York  
225 Cadman Plaza East  
Chambers Room 921 South  
Brooklyn, New York 11201

Re: **Kashmir Gill v. Jus Broadcasting Corp., et al.**  
**Case No. 1:19-cv-04216 (ILG) (PK)**

Dear Judge Glasser:

I represent defendants Jus Broadcasting Corp., Jus Punjabi, LLC, Jus One, Corp., Jus Broadcasting Corp PVT Ltd, and Penny K. Sandhu in the above-entitled action.<sup>1</sup>

With considerable reluctance, I am writing for the purpose of requesting that Your Honor set a schedule for the briefing of the Jus Punjabi defendants' filing and briefing of a dispositive motion to dismiss for failure to state any claim in the pending 51-page Complaint of plaintiff Kashmir Gill ("Gill"). I have made repeated attempts, as outlined below, to obtain the cooperation of Gill's counsel, Alan R. Ackerman, a Parsippany, New Jersey, lawyer, to set a briefing schedule for the dispositive motion. Mr. Ackerman not only has refused to respond to my proposed schedule – notwithstanding the fact that Your Honor's Motion Practice Rules require that counsel cooperate – but has just two days ago filed, on August 13, 2019, a completely unfounded and indeed frivolous "request" with the Clerk's Office for the issuance of a certificate of default.<sup>2</sup>

The procedural history of this action is somewhat complex. Briefly described, plaintiff Gill, represented by Mr. Ackerman, originally filed the Complaint and action on February 25, 2019 in the United States District Court for the District of New Jersey. The action was assigned to U.S. District Judge Freda Wolfson.

On April 25, 2019, the Jus Punjabi defendants timely filed a Fed. R. Civ. P. 12 motion to dismiss on jurisdictional and venue grounds. Plaintiff Gill unsuccessfully opposed the motion. The Jus Punjabi defendants' motion was effectively granted by Judge Wolfson on July 19, 2019 when

---

<sup>1</sup> The Jus Punjabi defendants are engaged in the business of satellite broadcasting of news and entertainment programming in North America, the United Kingdom, and India. Ms. Sandhu owns the entity defendants.

<sup>2</sup> Annexed as Exhibit 1 is a copy of my August 16, 2019 to the Clerk of the Court substantiating that the Jus Punjabi defendants are not in default and requesting that the so-called "Request for Certificate of Default" be rejected by the Clerk.

Hon. I. Leo Glasser  
August 16, 2019  
Page 2

the Court ordered the case transferred in its entirety to the Eastern District of New York, where the Jus Punjabi defendants are located.

Consistent with Judge Wolfson's order, the action was transferred to this Court on July 22, 2019. I immediately filed a Notice of Appearance for all defendants on July 24, 2019. The action was assigned to Your Honor and to Magistrate Judge Kuo.

In accordance with Your Honor's Motion Practice rules, I immediately contacted Mr. Ackerman to request his agreement to a briefing schedule for the Jus Punjabi defendants' dispositive motion under Fed. R. Civ. P. 12(b)(6) to dismiss Gill's 51-page Complaint for failure to state a cause of action. The original Complaint, which has never been amended, is grounded on the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961 *et seq.* From the outset of this action, I have consistently cautioned Mr. Ackerman that plaintiff has no claims under RICO or otherwise and that the Complaint is, candidly, frivolous.

As my letters on August 1, 2019 and August 5, 2019 to Mr. Ackermann reveal (*see* annexed Exhibit 2), I have literally begged counsel to follow Your Honor's individual rules regarding the scheduling of briefing on dispositive motions. As I have indicated, Mr. Ackerman has ignored my requests and indeed two days ago filed with the Clerk of the Court an entirely unfounded "request for a certificate of default."

At this stage, I respectfully request that Your Honor issue an order for the briefing of the Jus Punjabi defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6) as I have proposed to Mr. Ackerman (*see* annexed Exhibit 2):

- September 9, 2019 – Filing of defendants' motion;
- October 9, 2019 – Filing of plaintiff's responsive papers;
- October 31, 2019 – Filing of defendants' reply papers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Paul Batista', with a stylized, flowing script.

Paul Batista

cc: Law Offices of Alan R. Ackerman  
(Via fax [973 898-1230], ECF and E-Mail)  
U.S. Magistrate Judge Peggy Kuo (Via ECF)